

FILED
Clerk
District Court

SEP 13 2007

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,) Criminal No. 04-00017
)
 Plaintiff) Civil No. 07-0028
)
)
 v.)
)
)
 CRISPIN A. TAITANO,) ORDER DENYING
) DEFENDANT'S FIRST
) PETITION UNDER
) 28 U.S.C. § 2255
)
 Defendant)
)

On September 12, 2007, the court received defendant's first motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255.

In the interests of conserving the resources of the court and the parties, the court will decide the matter without requiring a response from plaintiff.

Defendant's motion is denied because it is untimely. Title 28 U.S.C. § 2255 requires that such motions be filed within one year of certain specified occurrences. Defendant was sentenced on September 6, 2005. No appeal was taken from the final

1 judgment. The instant motion was placed in the correctional institution's mail system
2 on or around September 1, 2007, almost two years after the date defendant's
3 judgment became final. Defendant argues that the decision in Cunningham v.
4 California, ___ U.S. ___, 127 S.Ct. 856 (2007), applies to his situation, but the court
5 has reviewed that decision and concludes otherwise.
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7 IT IS SO ORDERED.
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9 DATED this 13th day of September, 2007.
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13 ALEX R. MUNSON
14 Judge
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